



Employee Background Checks

Survey of Effectiveness of 2018 S.B. 143 | September 2018

In the 2018 Legislative Session, the Legislature passed S.B. 143, "[Employment Background Checks](#)," which gave authority to several state agencies to independently require background checks for employees, contractors, and volunteers. This document provides the response each agency gave regarding whether the provisions of the legislation were working effectively six months after the bill's passage. Respondents were also invited to provide suggestions to improve the provisions.

Department of Environmental Quality

"DEQ is currently in the process of developing the policies and procedures to implement the background checks required by the legislation. Our agency has not performed background checks prior to this legislation. We have created the internal policy and forms, and we are in the process of getting authorizations from BCI to access the reports when they are completed. We are hoping to begin sending staff to BCI within about a month for fingerprinting. We haven't identified any problems at this time and don't have enough experience to comment on the effectiveness of the legislation. We may have more input in a few months after we have had more time to implement the new policy and procedures."

Department of Financial Institutions

"Unfortunately, not enough time has passed to provide productive feedback. We are still working with the Department of Human Resource Management to set up the process for the background checks. We have had one positive interaction during this process. Due to SB 143 the Department of Public Safety now has acknowledged that we have the statutory authority to request background checks for our employees identified in the bill."

Department of Health

"The Utah Department of Health appreciates your inquiry on SB 143 Employee Background Checks."

"The Department has long desired the ability to perform background checks on employees, contracted employees, and volunteers and was very thoughtful in the development of our portions of SB 143. The legislation gives the Department a critical tool with this screening and allows the needed flexibility to minimize the risks of mishandling protected personal information, assuring reputable staff for fiscal and audit functions, and protecting vulnerable populations with whom we work."

"Our internal discussions on the bill's development, program specific guidelines, and the rule making process have been very helpful and educational for our staff."

"The Department of Health has no suggested changes as SB 143 Employer Background Checks (2018 General Session) statutory language is very effective for our organization."

Department of Human Resource Management

"S.B. 143 granted DHRM direct access into the Utah Criminal Justice Information System to conduct State of Utah only background checks as requested by State agencies for employment purposes. On June 5th, 2018, DHRM started administering this employment background check service to state agencies and the results have been favorable. Therefore, S.B. 143 has successfully addressed DHRM's needs."



Department of Workforce Services

“As of now, we have not identified any problems or needs to make statutory changes to the background check legislation. Since DWS houses federal tax information, the IRS requires that we conduct federal background checks on all employees who have direct access, or may come across, this information during their employment with DWS. As such, the background check legislation from the 2018 GS is very effective for our agency, since we now have the legal authority to run these necessary checks on our employees. We are satisfied with the language of the bill and recommend it remains the same, as far as DWS is concerned.”

Division of Purchasing

“State Purchasing has not hired anyone since the July 1, 2018 date identified in the statute.”

Governor's Office

“Thanks for the opportunity to share our observations about 2018 S.B. 43, "Employee Background Checks." As this is a fairly new statute, we have not had the opportunity to use it to any great extent. We anticipate that we will apply it more moving forward. We do not have any changes that we would suggest at this time as it applies to conducting reviews for those being appointed to a state board or commission.”

State Auditor

“The Office of the State Auditor was granted approval to begin background checks outlined in 67-3-10 on August 1, 2018. While the fingerprints of all current and new employees have been submitted to BCI, we have not yet received the results of their background checks. The State Auditor has no suggested changes at this time.”

State Tax Commission

“To date, the Tax Commission has not identified any concerns with the language of 2018 S.B. 143, Employee Background Checks. The provisions of this bill that pertain to the Tax Commission are essential to our agency coming into compliance with the requirements of IRS Publication 1075. In fact, the Tax Commission will be audited by the IRS in 2019 for our compliance with the requirements of Publication 1075.”

Utah Science Technology and Research Governing Authority

“SB 143 has allowed USTAR to simplify our processes for conducting background checks for our employees. USTAR has a small and highly technical staff, nearly all of whom have access to sensitive financial and personal information for the companies and entrepreneurs who utilize our programs and services. Given that fact, and the fact that all our staff are at will and exempt from the career service system, it was far more efficient to conduct the same, FBI-level background checks for all our employees. After working with Senator Harper and the drafting attorneys on agency-specific language, SB 143 has allowed us to standardize our processes, find efficiencies, and ensure we are providing the necessary protection for the citizens/customers USTAR serves.”